

GARY R. GLEASON (SB# 136167)  
MARGARET A. BURTON (SB#193386)  
FARBSTEIN & BLACKMAN  
A Professional Corporation  
411 Borel Avenue, Suite 425  
San Mateo, California 94402-3518  
Telephone: (650) 554-6200  
Facsimile: (650) 554-6240

DORIAN DALEY (SB#129049)  
PEGGY BRUGGMAN (SB#184176)  
ORACLE CORPORATION  
500 Oracle Parkway  
Redwood City, CA 94065  
Telephone: (650) 506-5200  
Facsimile: (650) 506-7114

Attorneys for Plaintiffs  
ORACLE CORPORATION, and  
ORACLE USA, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ORACLE CORPORATION, a Delaware  
corporation, and ORACLE USA, INC., a  
Colorado corporation,

Plaintiffs,

vs.

eMusic.com Inc., a Delaware corporation,  
and DOES 1 through 40, inclusive,

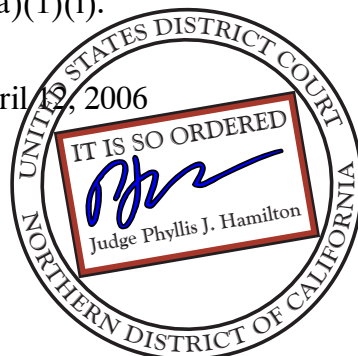
Defendants.

CASE NO. C 06 0696 PJH

**REQUEST FOR DISMISSAL**

ALL PARTIES AND THEIR COUNSEL ARE HEREBY NOTICED THAT the  
Plaintiff requests that the above-captioned action be dismissed without prejudice pursuant  
to FRCP 41(a)(1)(i).

DATED: April 12, 2006



FARBSTEIN & BLACKMAN  
A Professional Corporation

By /s/  
Gary R. Gleason  
Attorneys for Plaintiffs

**PROOF OF SERVICE**

**Oracle Corporation v. eMusic.com Inc.**  
**USDC, Northern District of California Case No. C 06 0696 PJH**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 411 Borel Avenue, Suite 425, San Mateo, California 94402-3518. On April 12, 2006, I served the following document(s):

**REQUEST FOR DISMISSAL**

on the following person(s) by the method(s) indicated below:

Jason L. Pascal, Senior Counsel  
eMusic.com Inc.  
100 Park Avenue, 17<sup>th</sup> Floor  
New York, NY 10017  
*Counsel for Defendant, eMusic.com Inc.*

☐ by transmitting via facsimile on this date from fax number (650) 554-6240 the document(s) listed above to the fax number(s) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report is attached to this proof of service. Service by fax was made by agreement of the parties confirmed in writing.

☒ by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at San Mateo, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.

☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth herein. A copy of the consignment slip is attached to this proof of service.

I declare under penalty of perjury under the laws of the United States and the State of California that the above is true and correct. Executed at San Mateo, California, on April 12, 2006.

\_\_\_\_\_/s/  
Esther H. Chetcuti